

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see from PCT/ISA/210 (page 2)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCR/DE2004/001628

International filing date (day/month/year)
7/22/2004

Priority date (day/month/year)
8/4/2003

International Patent Classification (IPC) or both national classification and IPC
B60J3/02, B60J3/04

Applicant

ROBERT BOSCH GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/
European Patent Office Munich

Authorized officer
BORRAS GONZALEZ

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCR/DE2004/001628

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. II Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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International application No.
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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	_____	YES
	Claims	1-19	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-19	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims	_____	NO

2. Citations and explanations:

see supplementary page

WRITTEN OPINION OF THE
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International application No.
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Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

Application No.
Patent No.

Publication date
(day/month/year)

Filing date
(day/month/year)

Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rules 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)

see form 210

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(SUPPLEMENTARY SHEET)

PCT/DE2004/001628

International file number

Reference is made to the following documents:

- D1: DE 198 24 084 A (SIEMENS; AUDI AG) December 16, 1999
(1999-12-16)
- D2: DE 199 33 397 A (ERTL LOTHAR) January 25, 2001
(2001-01-25)
- D3: US-A-5 714 751 (CHEN SWEETSUN) February 3, 1998
(1998-02-03)
- D4: PATENT ABSTRACTS OF JAPAN Vol. 0170, No. 08 (M-
1350), (1993-01-07) & JP 4 238724 A (OKI ELECTRIC),
August 26, 1992 (1992-08-26)
- D5: US-A-5 305 012 (FARIS SADEG M) April 19, 1994 (1994-
04-19)
- D6: US 2004/012762 A1 (FARIS SADEG M) January 22, 2004
(2004-01-22)

Re Section V.2V.2.1 Independent Claim 1

Document D1 shows:

- An antiglare system for a vehicle comprising a device for controlling the antiglare means (control unit 20) having at least one image acquisition means (camera 24), the control unit controlling the antiglare means (darkenable filter pane) as a function of a signal of the image acquisition means (camera 24), the signal of the image acquisition means (camera 24) having data regarding a

head position and/or a face covering (eye position 40) of at least one vehicle occupant.

The present Application thus does not meet the requirements of Article 33(2) PCT, because the object of the claim is not novel with regard to the related art described in the implementing regulations (Rule 64.1 - 64.3 PCT).

V.2.2 Independent Claim 13

Document D5 shows:

- An antiglare system for a vehicle, comprising a device for controlling the antiglare means (control means 6) having at least one image acquisition means (4), the control means controlling the antiglare means (optically transparent pixels) as a function of a first signal of the image acquisition means (4), the image acquisition means (4) being sensitive only to partial ranges of the spectrum, and antiglare means being provided, which at least reduce the penetration of light into the vehicle from partial ranges of the spectrum to which the image acquisition means is sensitive (see col. 4, line 52 through col. 5, line 14).

The present Application thus does not meet the requirements of Article 33(2) PCT, because the object of the claim is not novel with regard to the related art described in the implementing regulations (Rule 64.1 - 64.3 PCT).

V.2.3 Dependent Claims 2-12, 14-19

Dependent Claims 2 through 12, 14 through 19, which include further embodiments of the invention, also do not meet the requirements of PCT; the features of the claims listed below seem to be known from the documents cited, at least when considered individually; therefore, they include no essential

measures capable of justifying the novelty and/or inventive step in any way.

V.2.4 Regarding the Description

Documents D1 and D5 are not mentioned in the description and the relevant related art contained therein is not briefly outlined; therefore, the requirements of Rule 5.1 a ii) PCT are not met.

V.2.5 General notes and suggestions for further procedures

Should the Applicant intend to present more than one independent claim (Claims 1 and 13), reference is made to the requirements of Rule 13 PCT (unity). "The international application should relate to a single invention or a group of inventions which are related in such a way that they implement a single general inventive idea."

A suitable test for the unity of multiple claims is contained in Rules 13.2 and 13.3; see also the PCT Preliminary Examination Guidelines, Section III, paragraph 7.

Revisions (preferably handwritten) must be filed on complete **replacement sheets** which fit seamlessly into the remaining pages and their page numbering (including supplementary sheets if necessary); **in this context, reference is made to the fact that the authority responsible for international preliminary examination is not authorized to make changes in the documentation filed, not even at the applicant's request.**

The applicant is reminded that the application should not be modified in such a way that its object or the contents of the application goes beyond the version as originally filed (Art. 34 (2) b) PCT).

Information which concerns the object of the invention (e.g., further details regarding the advantages of the invention or of the object to be achieved), but is not based on the original documentation, should be contained in the reply letter, but not included in the application (Art. 34 (2) b) PCT).

In order to expedite the examination procedure, the applicant is requested to show in his reply which portions of the original application can serve as a basis for the change(s).